

**20A-15-101. Scope and application of chapter.**

(1) The procedures contained in this section govern when the Congress of the United States:

- (a) proposes an amendment to the Constitution of the United States; and
- (b) directs that the amendment be ratified by conventions in each state.

(2) If Congress prescribes the manner in which the conventions shall be constituted and does not except those states that have established procedures for constituting ratification conventions:

- (a) this chapter is inoperative;
- (b) the convention shall be constituted and shall operate as the congressional resolution or Act of Congress directs; and
- (c) all state officers who are authorized or directed to take any action to constitute a ratification convention in Utah shall do so.

Enacted by Chapter 1, 1995 General Session

**20A-15-102. Election to elect convention delegates.**

(1) The governor shall:

- (a) issue a proclamation establishing the date of an election to elect 21 delegates to Utah's ratification convention from the state at large;
- (b) ensure that the election is held at least as soon as the next regular general election occurring more than three months after the amendment has been proposed by Congress; and
- (c) either call a special election or schedule the election to be held at the same time as a regular or municipal general election.

(2) Unless otherwise provided in this chapter, the election shall be conducted according to the procedures for a regular general election contained in this title.

Enacted by Chapter 1, 1995 General Session

**20A-15-103. Delegates -- Candidacy -- Qualifications -- Nominating procedures.**

(1) Candidates for the office of delegate to the ratification convention shall be citizens, residents of Utah, and at least 21 years old.

(2) Persons wishing to be delegates to the ratification convention shall:

- (a) circulate a nominating petition meeting the requirements of this section; and
- (b) obtain the signature of at least 100 registered voters.

(3) (a) A single nominating petition may nominate any number of candidates up to 21, the total number of delegates to be elected.

(b) Nominating petitions may not contain anything identifying a candidate's party or political affiliation.

(c) Each nominating petition shall contain a written statement signed by each nominee, indicating either that the candidate will:

- (i) vote for ratification of the proposed amendment; or
- (ii) vote against ratification of the proposed amendment.

(d) A nominating petition containing the names of more than one nominee may

not contain the name of any nominee whose stated position in the nominating petition is inconsistent with that of any other nominee listed in the petition.

(4) (a) Candidates shall file their nominating petitions with the lieutenant governor at least 40 days before the proclaimed date of the election.

(b) Within 10 days after the last day for filing the petitions, the lieutenant governor shall:

(i) declare nominated the 21 nominees in favor of ratification and the 21 nominees against ratification whose nominating petitions have been signed by the largest number of registered voters;

(ii) decide any ties by lot drawn by the lieutenant governor; and

(iii) certify the nominated candidates of each group to the county clerk of each county within the state.

Enacted by Chapter 1, 1995 General Session

**20A-15-104. Ballot -- Form -- Manner of marking and voting.**

(1) The requirements of this section govern the form of the ballot and the specific procedures for electing delegates to the ratification convention.

(2) Each county clerk shall ensure that the ballot to select delegates to the ratification convention:

(a) is separate from and printed on different color stock than any other ballot to be used at the same election;

(b) contains the following information in this order:

(i) the text of the proposed amendment;

(ii) instructions to the voter;

(iii) three perpendicular columns of equal width;

(iv) at the head of the first perpendicular column, in plain type, the words "For Ratification of Proposed Change in Constitution of the United States";

(v) at the head of the second perpendicular column, in plain type, the words "Against Ratification of Proposed Change in Constitution of the United States";

(vi) no heading or names at the head of the third perpendicular column;

(vii) in the column headed "For Ratification of Proposed Change in Constitution of the United States," the names of the nominees nominated as in favor of ratification;

(viii) in the column headed "Against Ratification of Proposed Change in Constitution of the United States," the names of the nominees nominated as against ratification; and

(ix) in the column without heading, spaces permitting the voter to write in other names; and

(c) is arranged so that the voter may, by making a single mark, vote for the entire group of nominees whose names are contained in any column.

(3) Each county clerk shall ensure that the ballot to select delegates to the ratification convention is in substantially the following form:

"OFFICIAL BALLOT for delegates to convention to ratify or reject proposed amendment to the Constitution of the United States. The Congress has proposed an amendment to the Constitution of the United States that provides: (insert here the text of the proposed amendment).

The Congress has also directed that the proposed amendment be ratified by conventions in the states.

#### INSTRUCTIONS TO VOTERS

Do not vote for more than 21.

To vote for all candidates in favor of ratification, or for all candidates against ratification, make a cross-mark in the CIRCLE at the head of the list of candidates for whom you wish to vote. If you do this, make no other mark.

To vote for an individual candidate, make a cross-mark in the SQUARE immediately adjacent to the name.

To vote for a person other than candidates listed on the ballot, write in the person's name in blank column.

For ratification of proposed change in Constitution of the United States.

(Name of Candidate) \_\_\_\_\_

Against ratification of proposed change in Constitution of the United States.

(Name of Candidate) \_\_\_\_\_ "

(4) If the election of delegates to the ratification convention is held at the same time as the regular general election, the county clerk shall:

(a) give the same ballot number to a regular general election ballot and a ballot to elect delegates to a ratification convention;

(b) direct the election judges to:

(i) hand to each voter the general election ballot and the ratification convention ballot with identical ballot numbers;

(ii) instruct the voter to mark each ballot and deposit each ballot in the ballot box; and

(iii) mark any ballot "void" that the voter declines to use and return it to the county clerk.

(5) Each voter shall indicate his choice by making one or more cross-marks in the appropriate spaces provided on the ballot.

Amended by Chapter 202, 2009 General Session

#### **20A-15-105. Poll watchers.**

(1) If one or more of the candidates listed upon the official ballot under the heading "For Ratification of Proposed Change in Constitution of the United States" recommends persons to act as poll watchers, the county legislative body shall designate those persons to act as poll watchers for that group at each polling place within the county.

(2) If one or more of the candidates listed upon the official ballot under the heading "Against Ratification of Proposed Change in Constitution of the United States" recommends persons to act as poll watchers, the county legislative body shall designate those persons to act as poll watchers for that group at each polling place within the county.

Enacted by Chapter 1, 1995 General Session

#### **20A-15-201. Convening -- Vacancies -- Election of officers -- Journal of**

**proceedings.**

(1) The delegates to the convention shall convene at the state capitol at noon on the 28th day after their election to pass upon the question of whether or not the proposed amendment shall be ratified.

(2) (a) If, at the time the convention convenes, there is a vacancy in the convention, the delegates from the group from which the delegate creating the vacancy was elected shall, by majority vote, appoint a person to fill the vacancy.

(b) If the convention contains no other delegates from the group from which the delegate creating the vacancy was elected, the governor shall appoint a person to fill the vacancy.

(3) The convention may:

- (a) elect a president, secretary, and other officers; and
- (b) adopt its own rules.

(4) The convention shall:

- (a) keep a journal of its proceedings;
- (b) record in the journal the vote of each delegate on the question of ratification of the proposed amendment; and
- (c) file the journal with the lieutenant governor after the convention adjourns.

(5) (a) Delegates to the ratification convention shall:

- (i) serve without pay;
- (ii) receive a per diem of \$4 per day while the convention is in session; and
- (iii) receive mileage at the rate of 10 cents per mile for the distance necessarily traveled in going to and returning from the place of meeting by the most usual route.

(b) The lieutenant governor shall pay the per diem and mileage, together with the necessary expenses of the convention for printing and stenographic services, from the state treasury.

Enacted by Chapter 1, 1995 General Session

**20A-15-202. Certificate of ratification.**

(1) If the convention agrees, by vote of a majority of the total number of delegates, to ratify the proposed amendment, the president and secretary of the convention shall:

- (a) prepare and sign a certificate to that effect; and
- (b) transmit it to the lieutenant governor.

(2) Upon receipt of a ratification certificate, the lieutenant governor shall transmit the certificate under the great seal of the state to the Secretary of State of the United States.

Enacted by Chapter 1, 1995 General Session